

CONSTRUCTION
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF FLAGSTAFF

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Section 11-951 through 11-954, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the CITY OF FLAGSTAFF, hereinafter called "CITY",

WHEREAS, the STATE is empowered by Arizona Revised Statutes Section 28-108 to enter into this AGREEMENT, and

WHEREAS, the CITY is empowered by Arizona Revised Statutes Section 9-672 to enter into this AGREEMENT, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this AGREEMENT and has authorized the undersigned as its representative to execute the same on behalf of said CITY, and

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications be made on the State Highway System in the CITY. This work shall include but not be limited to the installation of new traffic signals and intersection lighting at the following locations:

US 89A and Plaza Way
US 180 and Columbus Avenue

NOW, THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

No. 6228	
FILED WITH SECRETARY OF STATE	
Date Filed	3-2-80
Case [Signature]	

1. The STATE shall advertise for bids and award a contract for the installation of the traffic signals and intersection lighting on US 89A at Plaza Way and US 180 at Columbus Avenue.

2. The CITY, upon completion of the work, shall reimburse the STATE for fifty per cent (50%) of the final construction and engineering cost, not to exceed \$45,000.00 for its share of the cost of this work.

3. This AGREEMENT shall be considered as terminated when all conditions as set forth herein have been complied with and the traffic signals are complete, in place, and functional.

4. All parties are hereby put on notice that this AGREEMENT is subject to cancellation by the Governor pursuant to Arizona Revised Statutes Section 38-511.

5. This AGREEMENT shall be filed with the Secretary of State and shall become effective on the 1st day of October, 1979, but in no event prior to its being filed with the Secretary of State.

6. Attached to this AGREEMENT and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the CITY is authorized under the laws of this State to enter into this AGREEMENT and that it is in proper form.

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

By: *J.B. Mertz*
Chief Deputy State Engineer

Date: *3/11/80*

CITY OF FLAGSTAFF

ATTEST:

Linda Butler
City Clerk

By: *Robert L. Moody*
Title: *MAYOR*
Date: *2/21/80*



BRUCE BABBITT
Governor

WILLIAM A. ORDWAY
Director

ARIZONA DEPARTMENT OF TRANSPORTATION

HIGHWAYS DIVISION

206 South Seventeenth Avenue Phoenix, Arizona 85007

April 2, 1980

OSCAR T. LYON, JR., P.E.
Assistant Director
and State Engineer

Handwritten:
WS 89A - Flagstaff
WS 180 - Columbus
etc.

Mr. Holbrook H. Clay
City Engineer
City of Flagstaff
P. O. Box 1208
Flagstaff, Arizona 86002

Re: Intergovernmental Agreement

Dear Mr. Clay:

Transmitted herewith is a copy of the above referenced Intergovernmental Agreement, which has been fully executed.

You will note the effective date of filing with the Office of the Secretary of State is March 26, 1980.

Very truly yours,

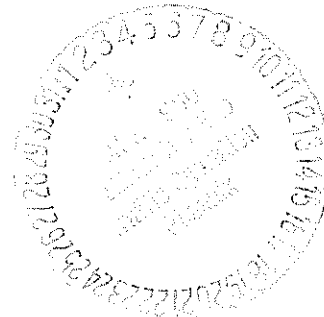
OSCAR T. LYON, JR., P.E.
State Engineer

Handwritten signature: Carlie Bowmer

CARLIE BOWMER, P.E.
Assistant State Engineer

CB:mm
Attachment

cc: J.B. Mertz
E.F. Gentsch
✓ D.R. Olivarez
Ben Patterson
Contract Services (Original)





OFFICE OF THE
Attorney General

1801 WEST JEFFERSON STREET
FOURTH FLOOR
PHOENIX, ARIZONA 85007

ROBERT K. CORBIN
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT

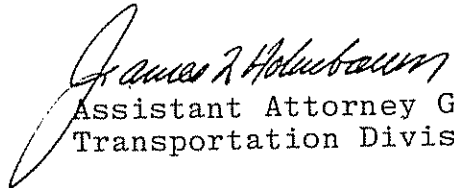
DETERMINATION

A. G. Contract No. 80-203, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 17th day of MARCH, 1980.

ROBERT K. CORBIN
Attorney General


Assistant Attorney General
Transportation Division

CERTIFICATION

I, LINDA BUTLER, City Clerk of the City of Flagstaff, Arizona, do hereby certify that the attached is a full, true, and correct copy of an extract of the Minutes of the Flagstaff City Council Meeting, held January 2, 1980.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the official seal of the City of Flagstaff, this 28th day of January, 1980.

Linda Butler
CITY CLERK

(SEAL)

CITY OF FLAGSTAFF

MINUTES 1/2/80

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Councilman Irby explained that he seconded the motion only because the Airport Manager says if we don't approve this, the Federal government will come back and make us do this. He didn't like it, but would vote for it for this reason.

Councilman Robinson was not sure it is all bad. This is a proposal for an airline to operate on a long distance phone rather than from a ticket counter.

Councilman Lee stated that he didn't like it and was going to vote against it.

The motion carried with Councilman Lee opposed.

Proposed Agreement Between ADOT and the City of Flagstaff for Installation of Traffic Signals at U.S. 89A and Plaza Way and U.S. 180 at Columbus Avenue:

The staff recommendation was that the agreement be approved and the Mayor authorized to execute the agreement.

A motion was made by Councilman Irby and seconded by Councilman Robinson to approve the proposed agreement between ADOT and the City and authorize the Mayor to execute the agreement on behalf of the City.

Councilman Lee asked if this includes the recovery of half of the cost of the signals on Plaza Way and Milton Road. Vice Mayor Babbitt indicated that it was his understanding there is a separate agreement with the developer for reimbursement for the other half.

The motion unanimously carried.

LIQUOR LICENSES: None.

PURCHASE ORDERS: None.

CHANGE ORDERS: None.

OTHER BUSINESS:

Vacancies on Volunteer Firemen's Pension Board:

It was moved by Vice Mayor Babbitt and seconded by Councilman Irby that Dick Walker and Willard Harkey be appointed to the Volunteer Firemen's Pension Board. The motion unanimously carried.

Vacancy on the Flagstaff Housing Authority:

Councilman Irby moved to table consideration of the vacancy on the Housing Authority. The motion was seconded by Councilman Robinson, which unanimously carried.


OTHER ITEMS FROM THE MAYOR, COUNCIL AND CITY MANAGER:

A motion was made by Councilman Robinson and seconded by Councilman Irby to set executive sessions for Friday, January 4, 1980, at 4:00 P.M., in the Conference Room, and Wednesday, January 9, 1980, at 6:30 A.M., in the Conference Room. The motion unanimously carried.

CERTIFICATION

I, LINDA BUTLER, City Clerk of the City of Flagstaff, Arizona, do hereby certify that the attached is a full, true, and correct copy of an extract of the Minutes of the Flagstaff City Council Meeting held September 18, 1979.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the official seal of the City of Flagstaff, this 28th day of January, 1980.


CITY CLERK

(SEAL)

CITY OF FLAGSTAFF

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Councilman Holst: It looked like if they really went around that corner fast, they were probably endangering someone coming out of Azure Drive more than they were anyone coming down Crescent.

City Engineer Clay: There is no question because any cars on Meade couldn't see into the Azure intersection until they were completely into the intersection.

Councilman Holst: These bumper blocks, if we put those in, is there any chance somebody is going to hit those at a high rate of speed and go out of control and cause more damage?

City Engineer Clay: Anything is possible. I don't know that the bumper blocks would be a bigger hazard than the existing curb. We would mark them and paint them, and as part of the request, we are asking that parking be prohibited approaching the corner forcing vehicles looking to make the turn to see the markings and bumper blocks. In our discussions at the Traffic Commission, we formulated the plan, and it appeared that we could probably implement it with some sort of temporary marking and barricades with action of the City staff without bringing the matter to the Council, but we determined we would need a parking prohibition which does require Council action.

Mayor Moody: Didn't the people owning the lot on the corner appear and say if they needed to, they would cut down that one good-looking tree sitting there? We discussed at a meeting sometime ago that these curbs would be there until the first snow fall. Weren't these delineation markers discussed about sticking them up there so they would be able to see that rather than just looking down the street at the curb. I think that would be a little helpful too.

Councilman Holst: In looking at it, I was wondering why a little island or triangular thing wouldn't do the job better, but that wouldn't slow traffic down as you are trying to do.

Mayor Moody: The main concern was youngsters in that area and the speeders coming around the corner. This engineering was supposed to slow it down.

Councilman Irby: There are a lot of children in that area, and everybody cuts that corner real close to the curb. It is a miracle that kids haven't been hit there. I go by there at least twice a day, because that's my route home. You have another problem too. The people coming south on Crescent tend to swing too far to the left because it is a wide intersection, and many times you have somebody turning to go north on Crescent and somebody coming in. There is some traffic control needed there because more than once, I have had to stop because I thought I was going to get hit.

Councilman Lee moved that the Council accept the recommendation of the Traffic Commission. The motion was seconded by Councilman Babbitt. The motion unanimously carried.

CONTRACTS, AGREEMENTS AND LEASES:

Proposed Agreement Between ADOT and the City of Flagstaff for the Installation of Traffic Signal at U.S. 89A at Plaza Way and U.S. 180 at Columbus:

Mayor Moody: We had quite a discussion last evening at the work session about this, and the Council agrees that we all remember very much discussion about the Columbus intersection, and agree that Plaza Way also

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needs some work done on it too. Since we only budgeted "X" many dollars for it, we kind of feel we can look into the possibility of maybe the developers of the area contributing toward the traffic control and get some help from some other agencies or concerns to take care of that since they are both a problem to the City. We have some problems because we did discuss Humphrey and don't really remember discussing too much of the Plaza Way. Maybe we can get the developer or the State to enter into an agreement to try to get some other funds to take care of that area.

Councilman Lee: When that site plan for University Plaza was discussed, that was an item of rather lengthy discussion. However, we did not impose a condition such as was done at Westcor, and I don't ever recall committing the City to invest anything in a traffic signal when it became necessary. The Humphrey and Columbus signalization was proposed by the Planning Commission or the Traffic Commission.

Councilman Holst: It was proposed by ADOT if I am not mistaken.

Councilman Lee: We agreed to participate in that one, and I have no quarrel with that. I cannot support spending any additional money on that one south.

Mayor Moody: We have a little trouble right now funding it since we haven't budgeted it. I don't think that we should kill it. I think we need all of us to work together since it is needed, and see what we can do with it.

Councilman Robinson moved that the Council enter into an agreement on the Humphrey and Columbus signal as we budgeted for, and that the Mayor be authorized to execute that agreement subject to the Attorney's approval, and that we meet with the developers to see if they would help fund the signal at Plaza Way. Councilman Holst seconded the motion.

Councilman Irby: It strikes me that this did come up at the time people were working for approval of the shopping center on the east side of the street, and this was part of it. I don't recall at that time any discussion that the City would participate in the signalizing of that intersection. As a matter of fact, I had the impression that they would be tickled to death to pay for it just to get what they were after, and this was part of the deal. Was this discussed in another meeting other than that one?

Councilman Holst: The only other discussion that I recall was Riordan Road into the University or doing away with that and moving the light down to their place. Since that time, they have changed their plans, and they will want lights at both places. I think they are responsible for putting that light in their area.

Councilman Robinson: I think another thing that we ran into at that time was ADOT was not sympathetic toward putting two lights that close together on the street, and apparently since then, they have changed their mind.

Councilman Irby: It seems that everybody has changed their minds, but nobody has talked to us about funding it.

City Engineer Clay: The Traffic Commission did recommend that we ask the Highway Department to study this thing. They instructed me to do that, and I wrote a letter to the Highway Department asking them to determine

CITY OF FLAGSTAFF

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if there should be a signal. I think possibly the Highway Department took that as an indication that we wanted one, and we would probably be willing to participate as we have been willing to do on signals in other areas of the City. I think you ought to understand that that is a possibility.

Councilman Babbitt: I recall discussion that someone was going to talk to the University administration about changing that Riordan Road intersection to the Plaza Way intersection, and that has been pre-empted now by the redesign of the shopping center Councilman Irby talked about.

City Engineer Clay: The decision to change the Plaza Way extension into the campus in lieu of the Riordan Road extension into the campus was essentially the University's decision. I was involved in a lot of discussion on that thing.

Councilman Babbitt: Is there still consideration being given for the Plaza Way East as the University entrance? Are we stuck with Riordan Road then?

City Engineer Clay: In addition to the Plaza Way intersection.

Councilman Babbitt: So we are going to be stuck with two lights some 200 yards from each other.

Councilman Holst: I would like to suggest that staff contact the developers of the Plaza to see if they would go ahead and pay for this light before we notify the State. Therefore, we could give them our authorization for payment on the Columbus affair, and they could give the authorization to go ahead on 89, so that could be done before we send down that portion of it to the State.

Councilman Robinson: What was the rationale about moving the light from Riordan Road to the entrance of Plaza Way. Is there some reason why that is passe?

Councilman Lee: That was predicated on the University accepting the entrance to the University being an extension of Plaza Way, which I understand they disagree with now. They want it on Riordan Road.

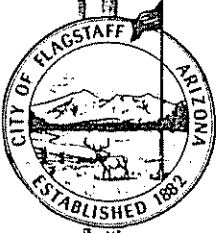
Councilman Holst: That was one of the bases for the park accepting the thing too, that the road was going to come by and go past the entrance to the park at the old house there. For some reason or other, the developers and the University changed this. There was some question having to do with access to the Mormon Center and the Catholic Center and things like that also. I would like to see the discussion take place before the papers go down to the State, but that doesn't have to be part of the motion.

The motion unanimously carried.

LIQUOR LICENSES:

Ken Henry Heerding, "Schlotzsky's Sandwich Shop", 1481 South Milton Road, Series 8.

The application had been properly posted, and one protest received. A motion was made by Councilman Babbitt and seconded by Councilman Irby that the application be forwarded to the State Department of Liquor Licenses and Control with a recommendation for approval, noting the protest received from Mr. Pitts. The motion carried with Mayor Moody opposed.



City of Flagstaff

P O Box 1208
Flagstaff Arizona 86002
602-774-5281

RECEIVED

January 9, 1980

JAN 31 1980

TRAFFIC ENGR. SECTION
PHOENIX

Mr. Carlie Bowmer, P.E.
Assistant State Engineer
Arizona Department of Transportation
Highways Division
206 South 17th Avenue
Phoenix, Arizona 85007

RE: Intergovernmental Agreement for Construction of Traffic
Signals and Lighting - U.S. 89 at Plaza Way and U.S. 180
at Columbus Avenue

Dear Mr. Bowmer:

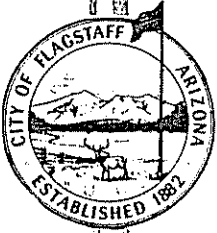
Transmitted herewith is a certified copy of the minutes of
the Flagstaff City Council of January 2, 1980, and the City
Attorney's determination approving the above referenced
agreement.

Very truly yours,

Holbrook H. Clay
City Engineer

HHC/mae

Enclosures

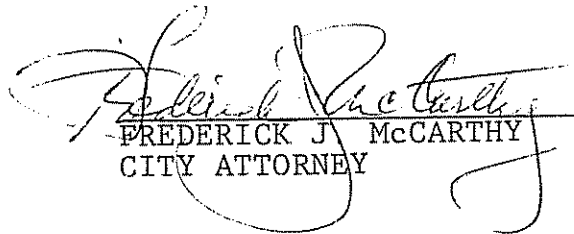


City of Flagstaff

P.O. Box 1208
Flagstaff, Arizona 86002
602-774-5281

December 19, 1979

I have reviewed the proposed Intergovernmental Agreement between the Department of Transportation and the State of Arizona and the City of Flagstaff in regard to the installation of traffic signals and lighting at the intersections of US 89A at Plaza Way and US 180 at Columbus Avenue, and it is my determination that the Agreement is in proper form and within the process and authority of the City under its Charter and the statutes of the State of Arizona.


FREDERICK J. MCCARTHY
CITY ATTORNEY



BRUCE BABBITT
Governor

WILLIAM A. ORDWAY
Director

ARIZONA DEPARTMENT OF TRANSPORTATION

HIGHWAYS DIVISION

206 South Seventeenth Avenue Phoenix, Arizona 85007

August 14, 1979

OSCAR T. LYON, JR., P.E.
Assistant Director
and State Engineer

The Honorable Robert L. Moody
Mayor
City of Flagstaff
15 North Beaver
Flagstaff, Arizona 86002

Re: Intergovernmental Agreement

Dear Mayor Moody:

Transmitted herewith is a copy of a proposed Agreement concerning the construction of signals and lighting at the intersections of US 89A at Plaza Way and US 180 at Columbus Avenue. Essentially, the Agreement establishes that the State will have the signals installed and the City will reimburse the State for fifty percent of the cost, but no more than \$45,000.00.

This proposed Agreement is being forwarded for your review, approval, and coordination with the City Council, which may take action by ordinance, resolution, or otherwise, authorizing future signing of the Agreement. No signatures are needed on the enclosed Agreement copy.

A written determination is required by the City Attorney or Assistant City Attorney stating that the Agreement is in proper form, and within the powers and authority granted to the City.

The papers of authorization, i.e., the City Council's resolution and the City Attorney's determination, should then be forwarded to ADOT for processing of the final Agreement.

After the Agreement has been properly processed, and all of the necessary signatures obtained, it will be filed with the Secretary of State, at which time the City will receive a copy of the fully executed document.

Very truly yours,

OSCAR T. LYON, JR., P.E.
State Engineer

Carlie Bowmer

CARLIE BOWMER, P.E.
Assistant State Engineer

RECEIVED

1979

**TRAFFIC OPERATIONS
PHOENIX**

CB:bh
Atts.

cc: J. B. Mertz
E. F. Gentsch

